No. 84-1863

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IN THE
Supreme Court of the United States
OCTOBER TERM, 1984

DISTRICT 17, DISTRICT 29, LOCAL UNION 7113, and LOCAL UNION 6023, UNITED MINE WORKERS OF AMERICA; and JOHN RAMEY and JOSEPH MCCARDLE, on Behalf of Themselves and Others Similarly Situated,
Cross-Petitioners,

v.

ALLIED CORPORATION,

and

THE UNITED MINE WORKERS OF AMERICA 1974 BENEFIT PLAN AND TRUST,
Respondents.

On Cross-Petition for a Writ of Certiorari to the United States Court of Appeals for the Fourth Circuit

---

BRIEF IN OPPOSITION OF RESPONDENT ALLIED CORPORATION

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The Cross-Petition asks the Court to entertain an argument that the decision of the Fourth Circuit *panel* should be reinstated insofar as it holds that the United Mine Workers of America 1974 Benefit Plan and Trust ("1974 Benefit Trust") is liable for the benefits at issue. In support of this request, Cross-Petitioners argue that the court below upheld the district court's decision with respect to the 1974 Benefit Trust only because it also upheld the district court's decision with respect to Allied

Corporation ("Allied"). This Cross-Petition obviously presents no circuit court conflict, no conflict with any prior decision of this Court, and no important unsettled question of federal labor law. It therefore presents no basis for this Court to grant a Petition, or Cross-Petition, for a Writ of Certiorari.

Cross-Petitioners further attempt to support their Cross-Petition by stating that Allied "agrees that responsibility for the benefits in question should be assigned to the 1974 Benefit Trust in the event that it is relieved of responsibility." Cross-Petition at 5. This does not correctly state Allied's position. Allied consistently has maintained that the 1974 Benefit Trust is currently obligated to provide health and other non-pension benefits for its 1974 pensioners. However, Allied's contention in this regard is based upon its reading of the documents governing the administration of the Trust. Those documents require the 1974 Benefit Trust to provide health and other non-pension benefits for 1974 pensioners under specified circumstances that Allied believes have been met.

CONCLUSION

For the reasons stated, the Cross-Petition should be denied.

Respectfully submitted,

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